

REMARKS

Status of Claims:

Claims 1-9 remain cancelled. Thus, claims 10-24 are present for examination.

Claim Rejection:

Claims 10-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitain et al. (U.S. Patent No. 5,864,871) (hereinafter Kitain).

With respect to claims 10-24, the rejection is respectfully traversed.

Independent claim 10 recites a system, comprising:

“an application service provider server, said application service provider server including a storage device;

a candidate enterprise terminal, said candidate enterprise terminal connected to said application service provider server by a communication network, said candidate enterprise terminal being configured to transmit at least non-public business information to said application service provider server, said non-public business information including at least non-public financial, accounting, and tax information of a candidate enterprise, said application service provider server being configured to store said non-public business information in said storage device; and

a merger and acquisition brokering business entity terminal, said merger and acquisition brokering business entity terminal connected to said application service provider server by said communication network, said merger and acquisition brokering business entity terminal being configured to obtain said non-public business information from said application service provider server, said merger and acquisition brokering business entity terminal being further configured to generate a merger or acquisition proposal based on said non-public business information, said merger or acquisition proposal being a proposal that specifies terms for a merger or an acquisition related to said candidate enterprise.” (Emphasis Added).

A system including the above-quoted features has at least the advantages that: (i) a candidate enterprise terminal is configured to transmit at least non-public business information to an application service provider server, where the non-public business information includes at least non-public financial, accounting, and tax information of a

candidate enterprise; (ii) a merger and acquisition brokering business entity terminal is configured to obtain the non-public business information from the application service provider server; and (iii) the merger and acquisition brokering business entity terminal is further configured to **generate a merger or acquisition proposal** based on the non-public business information, where the merger or acquisition proposal is a proposal that specifies terms for a merger or an acquisition related to the candidate enterprise. (Specification; page 7, lines 1-22; page 9, lines 6-29; page 12, line 16 to page 13, line 17; page 25, line 11 to page 26, line 14).

With various embodiments of the present invention, since non-public business information stored in an application service provider server may be frequently updated by a candidate enterprise, a merger and acquisition brokering business entity may obtain the latest non-public business information of the candidate enterprise so that a precise and trustworthy merger and acquisition proposal may be generated. Also, with various embodiments of the present invention, the candidate enterprise may use the application service provider server as a part of its financial department, so that the candidate enterprise can save a cost of maintaining an in-house computer system for managing and controlling its financial matters. (Specification; page 9, lines 18-29; page 12, line 16 to page 13, line 5; page 18, line 24 to page 19, line 4).

Kitain neither discloses nor suggests a system including the above-quoted features with: (i) a candidate enterprise terminal that is configured to transmit at least non-public business information to an application service provider server, where the non-public business information includes at least non-public financial, accounting, and tax information of a candidate enterprise; and (ii) a merger and acquisition brokering business entity terminal that is configured to obtain the non-public business information from the application service provider server and that is further configured to **generate a merger or acquisition proposal** based on the non-public business information, where the merger or acquisition proposal is a proposal that specifies terms for a merger or an acquisition related to the candidate enterprise.

The Examiner points to Kitain, column 10, lines 34-36, as disclosing, “a candidate enterprise terminal ... configured to transmit at least non-public business information to said

application service provider server, said non-public business information including at least non-public financial, accounting, and tax information of a candidate enterprise”. (Office Action; pages 2-3) (Emphasis Added). However, the cited portion of Kitain merely states the following:

“According to the representative embodiment of the present invention, the information received from the contributor workstations are files comprising one or more documents. These documents typically would contain text, data, charts, graphs, spreadsheets and the like, or combinations thereof, and may be in many formats.” (Kitain; column 10, lines 32-37) (Emphasis Added).

The above-cited portion of Kitain merely discloses that received information may comprise one or more documents. Kitain neither discloses nor suggests that the information includes non-public business information or that the information includes at least non-public financial, accounting, and tax information of a candidate enterprise. (Kitain; column 10, lines 32-37). Indeed, Kitain provides a list of types of information that may be provided by a corporation in the system of Kitain, and the list of types of information does not include non-public business information of a corporation. (Kitain; column 43, line 60 to column 44, line 30).

The Examiner points to Kitain, column 4, lines 2-9, as disclosing, “a merger and acquisition brokering business entity terminal ... configured to obtain said non-public business information from said application service provider server, said merger and acquisition brokering business entity terminal being further configured to generate a merger or acquisition proposal based on said non-public business information, said merger or acquisition proposal being a proposal that specifies terms for a merger or an acquisition related to said candidate enterprise”. (Office Action; page 3) (Emphasis Added). However, the cited portion of Kitain merely states the following:

“It would be beneficial if investors, portfolio managers, investment brokers and traders could also access, at a single site, using a single integrated system, the wide array of information that is produced by the subject corporations themselves, such as, for example, annual reports, as well as profiles designed to highlight those features of a corporation and its strategy

that are of particular relevance to investors.” (Kitain; column 4, lines 2-9) (Emphasis Added).

In the above-quoted portion of Kitain, there is absolutely **no** discussion about generating a merger or acquisition proposal based on non-public business information. (Kitain; column 4, lines 2-9). Instead, Kitain merely states that it would be beneficial to be able to access information such as annual reports and profiles. (Kitain; column 4, lines 2-9). The system of Kitain does **not** generate a merger or acquisition proposal, where the merger or acquisition proposal is a proposal that specifies terms for a merger or an acquisition related to a candidate enterprise. Instead, the system of Kitain merely distributes information. Moreover, the types of information mentioned in the cited portion of Kitain, namely annual reports and profiles, are both types of public information and are not types of non-public information. (Kitain; column 3, lines 24-39).

Therefore, independent claim 10 is neither disclosed nor suggested by the Kitain reference and, hence, is believed to be allowable.

Independent claim 16 recites a method with features similar to features of a system of independent claim 10 and, thus, is believed to be allowable for at least the same reasons that independent claim 10 is believed to be allowable.

Independent claim 23 recites a storage medium storing a program for causing a merger and acquisition brokering business entity computer to execute a process with features similar to features of a system of independent claim 10. Therefore, independent claim 23 is believed to be allowable for at least the same reasons that independent claim 10 is believed to be allowable.

The dependent claims are deemed allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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